

**IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION**

Anthony Slayden,)
)
)
Plaintiff,)
)
)
v.) Case No.:
)
)
Center for Behavioral Medicine,)
)
)
Defendant.)

Notice of Removal

Defendant Center for Behavioral Medicine, under 28 U.S.C. §§ 1331, 1441(a), and 1446(b), gives notice of removal of this action from the Sixteenth Judicial Circuit Court of Jackson County, Missouri, to the U.S. District Court for the Western District of Missouri. In support of this Notice of Removal,

Defendant states:

Procedural History and Plaintiff's Allegations

1. Plaintiff filed his Petition, captioned *Anthony Slayden v. Center for Behavioral Medicine*, and given the case number 1916-CV26778, in Jackson County, Missouri on October 2, 2019.
2. The state court originally dismissed this case without prejudice on February 26, 2020.
3. Plaintiff filed a Motion to Reinstate his cause of action on March 4, 2020, which the state court granted on March 25, 2020.

4. Defendant received and accepted service of the Summons and Petition on May 12, 2020.
5. Plaintiff purports to bring his claims under 42 U.S.C. § 2000(e), Title VII of the Civil Rights Act of 1964, the Missouri Human Rights Act, alleging that Defendant violated state and federal law by racially discriminating him and retaliating against him while employed at the Center for Behavioral Medicine in Kansas City, Missouri.
6. The Missouri Attorney General's Office represents the served defendant, Center for Behavioral Medicine.
7. Defendant has not yet filed an answer.

Grounds for Removal

8. Plaintiff asserts civil claims under federal law. Specifically, Plaintiff asserts claims under 42 U.S.C. § 2000(e) et seq., Title VII of the Civil Rights Act of 1964.
9. "The district courts shall have original jurisdiction of all civil actions arising under the Constitution, laws, or treaties of the United States." 28 U.S.C. § 1331.
10. Federal district courts have original jurisdiction over the claims in Plaintiff's Petition, because it contains claims that arise under federal law; thus, Plaintiff's claims invoke federal-question jurisdiction, and removal of this case is proper under 28 U.S.C. §§

1331 and 1441(a).

Defendant Has Satisfied All Procedural Requirements

11. The U.S. District Court for the Western District of Missouri is the appropriate court for removal of this case because Plaintiff filed the underlying action in Jackson County, Missouri, which is located in the Western District of Missouri area, and a substantial part of the allegations giving rise to Plaintiff's claims occurred within this district. *See* 28 U.S.C. § 1391(b)(2).
12. Under 28 U.S.C. § 1446(b)(1) and (2)(A), within 30 days after receipt or service of the initial pleading, "all defendants who have been properly joined or served must join in or consent to the removal of the action."
13. Thirty days have not yet expired since Defendant was served in this case.
14. Defendant consents to this Notice of Removal.
15. Immediately upon filing this Notice of Removal, Defendant will file a copy of this Notice with the Clerk of the Circuit Court of Jackson County, Missouri, and provide written notice to counsel in accordance with 28 U.S.C. § 1446(d).
16. Copies of all process, pleadings, and orders served upon Defendant in this action are attached as Exhibit A.

17. Copies of the Civil Case Cover Sheet is attached as Exhibit B.
18. Copies of the Notice of Filing of Notice of Removal in the state court are attached as Exhibit C.

Non-Waiver of Defenses

19. By removing this action from the Circuit Court of Jackson County, Missouri, Defendant does not waive any defenses available to them.
20. By removing this action from the Circuit Court of Jackson County, Missouri, Defendant does not admit any of the allegations made in Plaintiff's Petition.

For these reasons, Defendant gives notice of the removal of this action to affect removal of this lawsuit from the Circuit Court of Jackson County, Missouri, to the United States District Court for the Western District of Missouri.

Respectfully submitted,

ERIC S. SCHMITT
Attorney General

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Attorneys for Center for Behavioral Medicine

Certificate of Service

I hereby certify that on June 12, 2020, I filed the foregoing electronically with the Clerk of Court to be served by operation of the Court's electronic filing system upon all counsel of record.

/s/ Rachel L. Jag
Assistant Attorney General